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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 16-00440 WHA
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	CONTINUING FURTHER STATUS
v.)	CONFERENCE AND EXCLUDING TIME FROM
)	JUNE 26, 2018, THROUGH AUGUST 21, 2018.
YEVGENIY ALEXANDROVICH NIKULIN,)	
)	
Defendant.)	
)	
)	

Defendant Yevgeniy Nikulin, represented by Arkady Bukh and Valery Nechay, and the United States, represented by Assistant United States Attorneys Michelle J. Kane and Matthew A. Parrella, hereby stipulate to the following:

1. On April 4, 2018, U.S. Magistrate Judge Elizabeth D. Laporte ordered defendant detained pending trial, following defendant's decision not to challenge the government's motion for detention;

2. On April 11 and 12, 2018, retained counsel Mr. Bukh and Ms. Nechay filed their appearances in this case, replacing defendant's appointed counsel;

3. The parties appeared before this Court on April 17, 2018, for the first status conference in

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1 this case;

2 4. The Court set the next appearance on June 26, 2018, at 2:00 p.m. for a further status
3 conference and trial setting;

4 5. The Court, at the request of the parties, designated the case as complex based on the
5 nature of the prosecution, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii) (“it is unreasonable to expect
6 adequate preparation for pretrial proceedings or for the trial itself within the time limits established by
7 [the Speedy Trial Act]”);

8 6. With the agreement of the parties, the Court also excluded the time between April 17,
9 2018, and June 26, 2018, from Speedy Trial Act calculations for effective preparation of counsel,
10 pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) (failure to grant a requested continuance “would deny counsel
11 for the defendant . . . the reasonable time necessary for effective preparation, taking into account the
12 exercise of due diligence”);

13 7. The United States has produced discovery to defense counsel, including several terabytes
14 of server logs and internet service provider records. The United States has also produced thousands of
15 pages of reports and analysis with underlying documents. The server logs and many of the provider
16 records require specialized knowledge to process and understand;

17 8. Defense counsel is reviewing and analyzing the information, but despite the exercise of
18 due diligence, will not be able to complete an adequate assessment of the case in order to be prepared for
19 trial setting on June 26, 2018. In order to allow the defense adequate time to complete its preparation,
20 the parties request that the Court continue the further status conference and trial setting conference to
21 August 21, 2018;

22 9. The parties continue to agree that the matter is complex based on the nature of the
23 prosecution, and that it is therefore unreasonable to expect adequate preparation for pretrial proceedings
24 or for the trial itself within the time limits established by the Speedy Trial Act, pursuant to 18 U.S.C. §
25 3161(h)(7)(B)(ii). The parties also agree that the time until August 21, 2018, is necessary for effective
26 preparation of counsel, taking into account the exercise of due diligence, pursuant to 18 U.S.C.
27 § 3161(h)(7)(B)(iv);

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10. The parties therefore agree that the ends of justice served by granting the requested continuance and excluding the period from June 26, 2018, through August 21, 2018, from Speedy Trial Act calculations outweigh the interests of the public and defendant in a speedy trial, in accordance with 18 U.S.C. § 3161(h)(7)(A) and (B).

IT IS SO STIPULATED.

DATED: June 20, 2018

Respectfully submitted,

ALEX G. TSE
Acting United States Attorney

/s/
MICHELLE J. KANE
MATTHEW A. PARRELLA
Assistant United States Attorneys

/s/
ARKADY BUKH
Counsel for Yevgeniy Alexandrovich
Nikulin

/s/
VALERY NECHAY
Counsel for Yevgeniy Alexandrovich
Nikulin

ORDER

Based upon the stipulation of counsel, and for good cause shown, the Court finds that the case is complex based on the nature of the prosecution and that it is therefore unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(B)(ii). Also based upon the stipulation of counsel, and for good cause shown, the Court finds that failing to exclude the time between June 26, 2018, and August 21, 2018, would unreasonably deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court

1 further finds that the ends of justice served by granting the continuance outweigh the best interests of the
2 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

3 Therefore, IT IS HEREBY ORDERED that the further status conference and trial setting
4 conference shall be continued from June 26, 2018, to August 21, 2018, at 2:00 p.m. and that the time
5 from June 26, 2018, through August 21, 2018, shall be excluded from computation under the Speedy
6 Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(ii), (iv).

7 IT IS SO ORDERED.

8 Dated:

HON. WILLIAM ALSUP
United States District Judge